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US COLO AT ONE WILSHIRE, LLC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

SCHNEIDER RUCINSKI ENTERPRISES,)
a California corporation,)
)
Plaintiff,)
vs.)

Case No. 08-CV-0138 WQH POR

**MOTION TO DISMISS FOR LACK
OF DIVERSITY JURISDICTION**

STRATASOFT, INC. a Texas corporation;)
INX/I-SECTOR, INC. a Texas corporation;)
U.S. COLO ONE WILSHIRE, LLC;)
TOUCH ASIA OUTSOURCING)
SOLUTIONS, INC., et al.,)
Defendants.)

Hon. William Q. Hayes
Dept. 4, Fourth Floor, U.S. Courthouse

Hearing Date: July 28, 2008
Hearing Time: 11:00 am

NO ORAL ARGUMENT REQUESTED

Defendant U.S. COLO AT ONE WILSHIRE, LLC, improperly sued herein as "U.S. COLO One Wilshire, LLC.", by and through its undersigned counsel, the Law Offices of Mark Wray, hereby moves the Court pursuant to FRCP 12 (b) (1) and 28 USCA § 1332 to dismiss Plaintiff's *First Amended Complaint* filed on May 30, 2008 on the grounds that jurisdiction of this action is based on alleged diversity of citizenship and there is no diversity jurisdiction as Plaintiff and Defendant U.S. COLO AT ONE WILSHIRE, LLC are both citizens of California.

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1 No oral argument is requested on this Motion. This motion is based on this motion, the
2 points and authorities filed herewith, and the papers and pleadings on file in this action.

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4 DATED: June 19, 2008

BY: /MARK WRAY/
MARK WRAY
Attorney for Defendant
US COLO AT ONE WILSHIRE, LLC.

CERTIFICATE OF SERVICE

The undersigned employee of the Law Offices of Mark Wray certifies pursuant to FRCivP 5 that a true copy of the foregoing document was sealed in an envelope with first class U.S. Postage prepaid thereon and deposited in the U.S. Mail at Reno, Nevada on June 19, 2008 addressed to the following:

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